

EXHIBIT A

McKean J. Evans

From: McKean J. Evans
Sent: Thursday, April 8, 2021 8:58 AM
To: Denton, Stephania
Cc: Paige Lewis; Rosenkranz, Lou; Isaac Ruiz; Reilly, D. Michael; Nichol, Sharlee
Subject: RE: Westover v. Provident - Discovery

I don't believe the fact disputes raised by the untimely production and undisclosed testimony will preclude dismissing Provident's ERISA preemption defense. I will leave my motion on the calendar and respond to your motion accordingly, asking the Court to dismiss the preemption defense but requesting discovery in the alternative in the event that the Court determines these fact disputes are material. If the Court agrees, it will save us some discovery; if not, the Court's ruling will provide us guidance on what discovery is needed to resolve the fact dispute, and may help us narrow the scope of any necessary depositions.

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RUIZ & SMART PLLC
PLAINTIFF LITIGATION

From: Denton, Stephania <DentonS@LanePowell.com>
Sent: Wednesday, April 7, 2021 12:29 PM
To: McKean J. Evans <mevans@plaintifflit.com>
Cc: Paige Lewis <plewis@plaintifflit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintifflit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>; Nichol, Sharlee <NicholS@LanePowell.com>
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McKean –

I don't believe any documents were withheld that would reflect commission payments to brokers (I believe all information was PII for DR Horton employees) but we are double checking.

I'm still confused what templates you are looking for. I do recall during Donna Dinsmore's deposition she testified about what portions of the offer/acceptance letter were customized for D.R. Horton. Is that what you are looking for?

At this point, on Wednesday afternoon at 3:30pm East Coast, I'd say it's too late to have Donna's deposition tomorrow. If she is able to return from her surgery prior to April 26, I'll let you know.

The court's order from last week offered to give you more time on the preemption motions upon request. Do you want more time?



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From: McKean J. Evans <mevans@plaintiffllit.com>

Sent: Wednesday, April 7, 2021 10:08 AM

To: Denton, Stephania <DentonS@LanePowell.com>

Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>; Nichol, Sharlee <NicholS@LanePowell.com>

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I'm away from my desk this morning so just seeing this. I still need the native format templates of the unum-dr Horton agreements. For example, Dinsmore testified the offer letter was populated from a template with boilerplate language. She testified the other agreements also came from templates.

There are also some issues with the privilege log. It looks like a document about the compensation unum paid hfcb for helping market the policy has been withheld without any asserted privilege. This is relevant to unum's claim that the broker's conduct should be imputed to Dr Horton. It looks like some other documents about the brokers involvement have been withheld. We will want these for the deposition.

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From: Denton, Stephania <DentonS@LanePowell.com>

Sent: Wednesday, April 7, 2021 7:52:08 AM

To: McKean J. Evans <mevans@plaintiffllit.com>

Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>; Nichol, Sharlee <NicholS@LanePowell.com>

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We will be sending the log and an additional production in the next hour (which I believe will consist of only a few pages).

Let me know what documents you are referring to below (highlighted in yellow)

Donna Dinsmore needs to know this morning whether she will be deposed tomorrow since she is trying to finish up work before her surgery



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From: McKean J. Evans <mevans@plaintiffllit.com>
Sent: Tuesday, April 6, 2021 6:41 PM
To: Denton, Stephania <DentonS@LanePowell.com>
Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>
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Of course I would like to depose her Thursday, but I can't do that if I'll be getting the privilege log and additional documents the night before the deposition. I am not sure that I agree with your assessment regarding the pitch kit templates, but regardless, we should be provided the templates for the Unum-D.R. Horton agreements in native format before the deposition. Your suggestion also assumes there will be no issues with Provident's privilege designations, which I can't commit to in advance.

Why don't you let me know when you have some certainty about when we'll receive the above.

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From: Denton, Stephania <DentonS@LanePowell.com>
Sent: Tuesday, April 6, 2021 11:52 AM
To: McKean J. Evans <mevans@plaintiffllit.com>
Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz

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I am told that Unum did not provide a template for the pitch kits
Since HFCB prepared them, I assume they will address that during the depo you are scheduling
With respect to the native documents, they are for the most part census spreadsheets with employee names and salary.
There are, however, a few sheets within the documents that are not part of the census spreadsheets, so we will produce those. I am checking with my paralegal whether she can get those to you by the end of day tomorrow.
Similarly with the log – I'm checking if we can get that to you by end of day tomorrow.
If we are able to get this information to you tomorrow, would you want to depose Donna on Thursday?



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From: McKean J. Evans <mevans@plaintiffllit.com>

Sent: Tuesday, April 6, 2021 10:27 AM

To: Denton, Stephania <DentonS@LanePowell.com>

Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>

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I will need the native-format template agreements/pitch kits and the privilege log before examining Ms. Dinsmore.
Please let me know when we'll get those. Thanks.

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From: Denton, Stephania <DentonS@LanePowell.com>

Sent: Tuesday, April 6, 2021 10:11 AM

To: McKean J. Evans <mevans@plaintiffllit.com>

Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz

<iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>

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We are working on a privilege log

I'll respond to #3 and 4 below in separate email

Regarding Donna Dinsmore's deposition, we can offer you some choices. Donna is going in for surgery this Friday. She anticipates returning to work April 26, although it could be sooner depending on how her recovery goes. She can be available for a half day this Thursday. Alternatively, we could schedule something the week of April 26, which could be moved sooner depending on recovery.



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From: McKean J. Evans <mevans@plaintiffllit.com>

Sent: Friday, April 2, 2021 3:07 PM

To: Denton, Stephania <DentonS@LanePowell.com>

Cc: Paige Lewis <plewis@plaintiffllit.com>; Rosenkranz, Lou <RosenkranzL@LanePowell.com>; Isaac Ruiz <iruiz@plaintiffllit.com>; Reilly, D. Michael <ReillyM@LanePowell.com>

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Hello Stephania,

Hope you're well. Some action items on discovery in this matter:

1. Please send us dates for Ms. Dinsmore's continued deposition;
2. Please send us a privilege log for the recent document production;
3. Please provide us with native-format copies of the templates/drafts of the Unum/DRH agreements and the "pitch kits" (or point me to where these have already been produced);
4. Please provide us dates for Erin Vega's deposition.

As always, please don't hesitate to call with any questions/concerns.

Sincerely,
McKean

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